

Senate Bill No. 1

Passed the Senate September 12, 2007

Secretary of the Senate

Passed the Assembly September 11, 2007

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2007, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add Sections 66021.6, 69508.5, and 76300.5 to the Education Code, relating to student financial aid.

LEGISLATIVE COUNSEL'S DIGEST

SB 1, Cedillo. Student financial aid: eligibility: California Dream Act.

(1) The Donahoe Higher Education Act sets forth, among other things, the missions and functions of California's public and independent segments of higher education, and their respective institutions of higher education. Provisions of the act apply to the University of California only to the extent that the Regents of the University of California, by appropriate resolution, act to make a provision applicable.

Existing law requires that a person, other than a nonimmigrant alien, as defined, who has attended high school in California for 3 or more years, who has graduated from a California high school or attained the equivalent thereof, who has registered at or attends an accredited institution of higher education in California not earlier than the fall semester or quarter of the 2001–02 academic year, and who, if he or she is an alien without lawful immigration status, has filed a prescribed affidavit, is exempt from paying nonresident tuition at the California Community Colleges and the California State University.

This bill would amend the Donahoe Higher Education Act to require the Trustees of the California State University and the Board of Governors of the California Community Colleges, and request the Regents of the University of California, to establish procedures and forms that enable persons who are exempt from paying nonresident tuition under this provision, or who meet equivalent requirements adopted by the regents, to be eligible to receive student aid awards from private entities that are administered by these segments. The bill would declare that this provision is a state law within the meaning of a federal statute that permits a state to only provide an alien who is not lawfully present in the United States with eligibility for a state or local public benefit through the enactment of a state law affirmatively providing for

that eligibility. This provision would apply to the University of California only if the regents, by appropriate resolution, act to make it applicable.

This bill would also provide that persons who are exempt under these requirements, or who meet equivalent requirements adopted by the regents, are eligible to apply for, and participate in, any student financial aid program administered by the State of California, except the Competitive Cal Grant A and B award program. The bill would declare that this provision is a state law within the meaning of a federal statute that permits a state to only provide an alien who is not lawfully present in the United States with eligibility for a state or local public benefit through the enactment of a state law affirmatively providing for that eligibility.

(2) Existing law establishes the California Community Colleges under the administration of the Board of Governors of the California Community Colleges. Existing law authorizes the establishment of community college districts under the administration of community college governing boards, and authorizes these districts to provide instruction, for prescribed fees, at community college campuses throughout the state. Existing law authorizes the waiver of these fees for, among others, students who are eligible under income standards established by the board of governors.

This bill would require community college districts to waive the fees of persons who are exempt from nonresident tuition under the provision described in (1), and who otherwise qualify for a waiver under this provision, under regulations and procedures adopted by the board of governors. Because the bill would impose new duties on community college districts with respect to determining eligibility for fee waivers, the bill would constitute a state-mandated local program.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

The people of the State of California do enact as follows:

SECTION 1. This act shall be known and may be cited as the California Dream Act.

SEC. 2. (a) The Legislature finds and declares all of the following:

(1) Section 66021.6 of the Education Code, as added by Section 3 of this act, does not grant these pupils any advantage over the student population as a whole in determining who qualifies for, or receives, financial aid.

(2) The community college fee waiver standards are not competitive grants and are based upon the federal income guidelines.

(3) Student aid pursuant to Sections 69434 and 69435 of the Education Code is not competitive and allows academically and financially eligible California high school graduates to apply for a grant.

(4) Increased access to financial aid for all students in California's universities and colleges increases the state's collective productivity and economic growth.

(5) It is the intent of the Legislature that all students who are exempt from nonresident tuition pursuant to Section 68130.5 of the Education Code that are deemed to be in financial need be eligible for financial aid.

(6) It is the intent of the Legislature to fully utilize student aid programs to encourage qualified California high school graduates to attend a postsecondary institution.

(b) It is, therefore, the intent of the Legislature to address these issues by enacting the California Dream Act.

SEC. 3. Section 66021.6 is added to the Education Code, to read:

66021.6. Notwithstanding any other law, the Trustees of the California State University and the Board of Governors of the California Community Colleges shall, and the Regents of the University of California are requested to, establish procedures and forms that enable persons who are exempt from paying nonresident tuition under Section 68130.5, or who meet equivalent requirements adopted by the regents, to be eligible to receive student aid awards from private entities that are administered by these segments. The Legislature finds and declares that this section is a state law within

the meaning of Section 1621(d) of Title 8 of the United States Code.

SEC. 4. Section 69508.5 is added to the Education Code, to read:

69508.5. Notwithstanding any other law, a person who is exempt from paying nonresident tuition under Section 68130.5, or who meets equivalent requirements adopted by the Regents of the University of California, is eligible to apply for, and participate in, any student financial aid program administered by the State of California, except the Competitive Cal Grant A and B award program established pursuant to Section 69437. The Legislature finds and declares that this section is a state law within the meaning of Section 1621(d) of Title 8 of the United States Code.

SEC. 5. Section 76300.5 is added to the Education Code, to read:

76300.5. A district shall waive the fees of a person who is exempt from paying nonresident tuition under Section 68130.5, and who otherwise qualifies for a waiver under Section 76300, under regulations and procedures adopted by the board of governors. The Legislature finds and declares that this section is a state law within the meaning of Section 1621(d) of Title 8 of the United States Code.

SEC. 6. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

Approved _____, 2007

Governor